

REMARKS

The Office Action of February 8, 2007, has been carefully considered.

Objection has been raised to the drawings. Replacement sheets have now been submitted for the figures, in which reference characters such as 1A, 1B, 4A and 4B have been changed to individual reference characters, for example, 11, 12, 41 and 42. The remarks concerning "the English alphabet" are not understood, since to the best of the understanding of the undersigned, all characters used in the present application and in the drawings utilize "the English alphabet."

Objection has been raised to the specification under 35 USC 112, first paragraph, on the basis that the specification is replete with terms which are not clear, concise and exact.

In view of the number of necessary amendments, in addition to the amendments necessary so that corresponding elements are used in the drawings and specification, Applicant has submitted a substitute specification in clean and marked-up forms. No new matter has been added.

Objection has been raised to the claims as set forth on pages 3 and 4 of the Office action, and the claims have now been canceled and rewritten as a new set of Claims 19 through 36 which are in proper form for U.S. practice and which do not utilize any numeral elements.

Claims 1 through 18 have been rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. It is alleged that it is unclear how the drive source shown as a motor would produce desired vibration/rotations. The Office action further states that it is unclear where the vibration means are located, within or underneath the plate.

No vibration means are shown because no separate

is divided into a plurality of separation pieces. As seen in the drawings, this is a complex structure which is adequate for treating people. The movable plates called separation pieces are single layers in themselves, but require a mattress to be placed above them, clearly creating an apparatus which is not unitary.

The Oshita apparatus is actually mounted on a complex framework comprising a plurality of movable parts and which "builds" significantly in a vertical direction. Both the motor and the vibrating means must be located under the separation pieces.

While the apparatus of Oshita is useful for treating people, it is not useful for treating animals, especially large animals which must move themselves on and off of the plates. The invention thus requires single layer plates which are separated from the base or ground only by flexible spacers. The vibrating means, typically the motor, is placed on the upper surface of the plate. The only moving apparatus thus placed below the plate is the means for raising and lowering the plate, at typically the bellows.

Oshita does not use a flexible spacer placed directly on the ground, instead placing a motor and vibrating means below the separation pieces. The apparatus of Oshita does have feet, as is evident in Figure 3, but these feet do not connect directly to the separation pieces, as they would according to the claimed invention.

Withdrawal of this rejection is requested.

Claims 6 and 8 have been rejected under 35 USC 103(a) over Oshita, and Applicant submits that these claims are patentable for the reasons discussed above with regard to the previous rejection. Withdrawal of this rejection is requested.

Claim 4 has been rejected under 35 USC 103(a) over Oshita

vibration means are provided. The motor itself causes the plates to vibrate, in a manner discussed in the specification at page 6, line 10 through page 7, line 11. Applicant submits that one of ordinary skill in the art could easily understand how a vibrating or oscillating motor could transmit vibrations to a surface on which it is located.

The Office action further states that while Applicant claims a functional single layer plate, bellows cylinders used to produce rotation would need to be connected at both ends which would require two separate plate elements.

This objection ignores the fact that the claimed plate is placed over a base, separated from the base by spacer elements. If a bellows element is used to produce rotation in the plate, the bellows element presses at one end against the plate and at its other end against the base, causing rotation of the plate.

Withdrawal of this rejection is requested.

Claims 1-18 have been rejected under 35 USC 112, second paragraph, as being indefinite on a number of grounds. In light of the manner in which these claims have been rewritten, withdrawal of this rejection is requested.

Claims 1-18 have been rejected under 35 USC 101 on the basis that the claimed invention is directed to non-statutory subject matter, because the base 3 claimed in Claim 1 is not properly defined.

The device of the invention is clearly an apparatus. The device includes spacers and is constructed and arranged for placement over a base, such as the floor of stable. The invention is very clearly directed to statutory subject matter and withdrawal of this rejection is requested.

Claims 1, 2, 3, 5, 7, 9, 10, 11, 12, 14 and 15 have been rejected under 35 USC 102(b) as anticipated by Oshita.

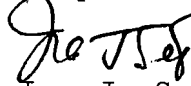
Oshita discloses a bedstead mounted on a bedframe which

in view of Cutler and Claims 13, 16, 17 and 18 have been rejected under 35 USC 103(a) over Oshita in view of Calvin. Cutler has been cited to show a timer, while Calvin has been cited to show a bellows cylinder used for a bed. However, neither Cutler nor Calvin cures the defects of the Oshita reference, and withdrawal of these rejections is requested.

It is noted that as Claim 34 recites a compressor, Figure 2 and the specification have been amended to show a compressor attached to one of the bellows.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz
Registration No. 28666